



Rejections Under 35 U.S.C. § 103

The Examiner rejected claim 1-7 under 35 U.S.C. § 103(a) as being unpatentable over Becker et al. (U.S. Pat. No. 6,186,873) in view of Matsukawa et al. (U.S. Pat. No. 5,518,542).

In view of the earlier date of invention of the subject matter disclosed and claimed in the present application, Applicants have chosen to remove the Becker et al. reference pursuant to 37 C.F.R. § 1.131. Under Rule 1.131, Applicants may overcome a prior art rejection by filing an appropriate Declaration that establishes invention of the claimed subject matter by the Applicants prior to the effective date of the reference relied upon in the rejection. Prior invention may be shown either by proving an actual reduction to practice prior to the effective date of the reference or by proving conception of the invention prior to the effective date of the reference coupled with reasonable diligence from prior to the effective date of the reference to the filing date of the application.

Here, Applicants have attached a Declaration signed by the attorney of record which demonstrates that the invention disclosed and claimed in the present application was conceived prior to the effective date of the Becker et al. reference and that there was due diligence in preparing the application from prior to the effective date of the reference to the filing date of the application. Specifically, as stated in paragraph 4 of the attached Declaration, a draft application was prepared and mailed to the inventors on March 9, 2000. Accordingly, the subject matter disclosed and claimed in the present application was conceived at least as early as March 9, 2000.

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The effective date of the Becker et al. reference is April 14, 2000. As indicated by paragraph 3 of the attached Declaration, the present application was filed on June 14, 2000. Thus, to prove reasonable diligence, information pertaining to activities just prior to the effective date of April 14, 2000 and up to the filing date of June 14, 2000 are relevant.

As indicated in paragraph 4 of the attached Declaration and Exhibit A, a completed draft of the application was mailed to the inventors on March 9, 2000. Between the dates of March 9, 2000 and May 11, 2000, the draft was reviewed by the inventors and a revised draft of the application was prepared. The revised draft of the application was sent to Micron, along with formal papers, on May 11, 2000, as indicated in paragraph 6 of the attached Declaration and Exhibit B. The corresponding formal papers were executed by the inventors on June 5, 2000 and by Micron attorney, Mike Lynch, on June 7, 2000, as indicated in paragraph 7 of the attached Declaration and Exhibits C and D. I received a copy of the executed documents, indicating that the draft was ready for filing, along with a letter dated June 9, 2000, as indicated in paragraph 8 of the attached Declaration and Exhibit E. The application was filed with the United States Patent and Trademark Office on June 14, 2000, as previously discussed and as indicated in paragraph 3 of the attached Declaration, and thus, the claimed invention was constructively reduced to practice on June 14, 2000.

For the reasons set forth above in conjunction with the Declaration made pursuant to 37 C.F.R. § 1.131, Applicants have demonstrated conception prior to the effective date of the Becker et al. reference and shown reasonable diligence in preparing the application from prior to the effective date of the reference to the filing date of the application. Therefore, Applicants

respectfully request that all rejections based on Becker et al. be withdrawn and that claims 1-7 be allowed.

Conclusion

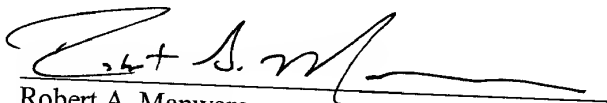
In view of the remarks set forth above, Applicants respectfully request allowance of claims 1-7. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

General Authorization for Extensions of Time

In accordance with 37 C.F.R. § 1.136, Applicants hereby provide a general authorization to treat this and any future reply requiring an extension of time as incorporating a request therefor. Furthermore, Applicants authorize the Commissioner to charge the appropriate fee for any extension of time to Deposit Account No. 13-3092; Order No. MICS:0053/FLE (99-0326).

Respectfully submitted,

Date: March 3, 2003


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